



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,652	12/08/1999	ERIC ANDREW BEARD	LE9-99-111	6735
21972	7590	04/27/2006	EXAMINER	
LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999			WALLERSON, MARK E	
		ART UNIT	PAPER NUMBER	
		2625		
DATE MAILED: 04/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/456,652	BEARD ET AL.
	Examiner	Art Unit
	Mark E. Wallerson	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 January 2006.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-47 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-47 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### **Part III DETAILED ACTION**

#### *Notice to Applicant(s)*

1. This action is responsive to the following communications: amendment filed on 1/31/06.
2. This application has been reconsidered. Claims 1-47 are pending.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1–47 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaw et al (Shaw) (U.S. 5,845,058).

With respect to claims 1, 5, 6, 10, 13, 23, 31, 32, and 38, Shaw discloses an interface (22) between two or more devices (20 and 24) each having a data store (spooler) (42 and column 2, lines 28-38) each device in communication with one or more of the other devices, the interface generating a datastream including at least one metavariable indicative of at least two or more parameters of a device (column 1, lines 50-65; column 3, lines 7-27, and column 7, lines 16-45), and the data stream occurring between the data store of the transmitting device to the data store of the receiving device (column 7, lines 1-15), wherein at least one of the parameters defines a rendering characteristic to be applied to the print job (which reads on information pertaining to paper orientation or size or color information) (column 8, lines 22-56 and column 9, line 59 to column 10, line 10).

With respect to claims 2, 11, 24, 27, and 33, Shaw discloses the metavariable is data indicative of the configuration and settings of the transmitting device (column 7, lines 16-33).

With regard to claims 3, 8, 25, 28, 35, 36, 39, and 40, Shaw discloses the metavariable is data indicative of the configuration and settings of the receiving device (printer) (column 7, lines 16-33).

With respect to claims 4, 12, 15, 26, 30, 34, 37, and 41, Shaw discloses altering settings of the receiving device (column 8, lines 22-56).

With regard to claims 7 and 29, Shaw discloses the interface is between one or more computers (20) and one or more printers (24), each computer and printer having a data store (column 7, lines 1-15).

With respect to claims 9 and 14, Shaw discloses the metavariable is data indicative of the printer settings transmitted by the printer to the computer (column 7, lines 16-45).

With regard to claims 16, 19, 20, and 22, Shaw discloses generating a metavariable in a transmitting device (column 3, lines 1-6); transmitting the metavariable to one or more receiving devices (column 6, lines 37-45); receiving the metavariable at a receiving device (24) (column 6, line 65 to column 7, line 15)), and processing the metavariable in the receiving device for evaluation of action required based on the metavariable (column 7, lines 1-45), wherein at least one of the parameters defines a rendering characteristic to be applied to the print job (which reads on information pertaining to paper orientation or size or color information) (column 8, lines 22-56 and column 9, line 59 to column 10, line 10).

With respect to claims 17 and 18, Shaw discloses processing and transmitting the metavariable from a printer and receiving the metavariable at a computer (column 7, lines 16-33).

With respect to claim 21, Shaw discloses altering settings of the receiving device (column 8, lines 22-56).

With regard to claims 42-47, Shaw discloses the metavariable is treated as a single variable containing data cumulative of variables of each parameter (column 7, lines 34-45).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson  
Primary Examiner  
Art Unit 2626



MARK WALLERSON  
PRIMARY EXAMINER